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*Attorneys for Plaintiffs*

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

JONATHAN C. KALTWASSER,  
on behalf of himself and all others  
similarly situated,

Plaintiff,

v.

AT&T MOBILITY LLC  
f/k/a/CINGULAR WIRELESS LLC,

Defendant.

) Case No. 5:07-CV-411

) **STIPULATION AND PROPOSED CASE  
MANAGEMENT SCHEDULING ORDER  
AMENDING ORDER ENTERED ON  
DECEMBER 4, 2009**

1 The parties, by their undersigned counsel, hereby submit the following stipulation and  
2 [proposed] order for entry by this Court pursuant to Local Rule 7-12:

3 1. On December 4, 2009, this Court held a Case Management Conference and entered a  
4 Case Management Scheduling Order (Document 104) adopting the parties proposed schedule  
5 (Document 102) providing the parties until January 29, 2010 to complete discovery related to class  
6 certification issues, requiring Plaintiff's Motion for Class Certification and Supporting  
7 Memorandum to be filed by February 12, 2010, Defendant's Opposition thereto to be filed by March  
8 19, 2010, Plaintiff Reply thereto to be filed by April 9, 2010, and setting a motions hearing on class  
9 certification for April 23, 2010, at 9:00 a.m.

10 2. Plaintiff's counsel, Joseph N. Kravec, Jr., who is primarily responsible for preparing  
11 Plaintiff's class certification moving papers, is located in Pittsburgh, Pennsylvania, which is  
12 presently in a state of emergency due to nearly 2 feet of snow falling last weekend and more  
13 expected this week. Indeed, the federal court in Pittsburgh has been closed most of this week. As a  
14 result, Mr. Kravec's office was closed on Monday and expects to be closed several other days this  
15 week, which has and will hamper his ability to prepare Plaintiff's class certification moving papers  
16 which are due on February 12, 2010.

17 3. In that connection, the parties conferred with respect to extending the current class  
18 certification schedule and hereby agree to and submit the following stipulation for an amended  
19 schedule for completion of class discovery and for the hearing and briefing on Plaintiff's Motion for  
20 Class Certification:

21 1. Plaintiff's motion and brief in support of class certification shall be filed no  
22 later than **February 26, 2010**.

23 2. Defendant's opposition to the Motion for Class Certification shall be filed no  
24 later than **April 2, 2010**.

25 3. Plaintiff's reply in support of her Motion for Class Certification shall be filed  
26 no later than **April 23, 2010**.

4. The Motion for Class Certification shall be heard on **May 7, 2010, at 9:00 a.m.** in Courtroom 3, 5<sup>th</sup> Floor, United States Courthouse, 280 S. First Street, San Jose, California.

The Parties respectfully request that the Court enter this Stipulation.

Dated: February 9, 2010

**AGREED TO BY:**

**SPECTER SPECTER EVANS  
& MANOGUE, P.C.**

By: /s/ JOSEPH N. KRAVEC, JR.  
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Cingular Wireless LLC*

1 **PURSUANT TO STIPULATION, IT IS SO ORDERED:**

2  
3 **Dated: February 11, 2010**

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Honorable Jeremy Fogel